

DETAILED ACTION

Cross Reference to Related Applications

The cross-references to related applications have been updated as requested by the Examiner.

Disclosure

The Examiner objected to the disclosure because it contained an embedded hyperlink. The hyperlink has been removed. Applicant respectfully requests that the Examiner remove the objection.

Claim Rejections – 35 USC § 101

The Examiner states that “claims 1-40 directed to the method claims that would not qualify as a statutory process would be a claim that recited purely mental steps. Thus, to qualify as a statutory process, the claims should be positively reciting the other statutory class to which it is tied, for example, by identifying the apparatus that accomplishes the method steps.”

This is the first time in the third Office Action, mailed October 30, 2008. However, Applicant has amended the claims to identify the apparatus that accomplishes the method steps.

The Examiner stated that claim 42 is rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter. The Examiner stated that claims 42 is rejected under 35 U.S.C. 101 because the claimed invention, appearing to be comprised of software alone without claiming associated computer hardware required for execution.

The claim has been amended and thus Applicant respectfully believes the rejection has been overcome.

Double Patenting

The Examiner has rejected claims 1-42 under the nonstatutory double patenting rejection based on the judicially created doctrine grounded in public policy. A terminal disclaimer is included herewith.

The examiner has provisionally rejected claims 1-42 based on the judicially created doctrine of obviousness type double patenting. Should the claims issue in either patent application of this or co-pending application serial No. 10/812,854, Applicant will deal with this rejection at that time.

Claim Objections

The Examiner has objected to claim 1 because of the following informalities. There is an error on the phrase “unique to” and should be changed to “unique.” Applicant has made this change and respectfully requests that this objection be removed.

Claim Rejections– 35 USC 112

The Examiner is rejecting claim 1 as failing to comply with the written description requirement. As to claim 1, the Examiner states that the limitation “identifier from data stores matches the at least one access information from the data store” was not described in the specification. The Examiner states that the specification mentions at least one access information is sent from the conferee. Applicant disagrees. Support for the limitation “identifier from the data store matches at least one access information from the data store can be found at least on pages 4, lines 5-6, page 6, line 19-page 7 lines 1-16, page 18 lines 9-18 describe the access identifier and access information. Page 10, line 3 thru page 11, line 10 details how a conference host is “directly connected” once the data stores are populated with the necessary data. Once the *identifier is entered the data store must necessarily match the access data in order to allow the conference* host to be admitted to the conference. On page 12, lines 4-5, the disclosure states “upon matching the unique identifier with a record in the data store, the conference call admission process proceeds to connect ...” Also, page 15, line 15-page 16, line 11 discusses the exact procedure as specified in claim 1. However, in this section, the wording is the same as in claim 1, so no interpretation is needed by the Examiner. As clearly known to one of ordinary skill in the art, *a record constitutes information*.

Claim Rejections – 35 USC 103

The Examiner stated that claims 1-6, 8-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit (US 2002/0122391 A1) in view of Peon et al (US 7,133,665 B1).

The Examiner stated that claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit (US 2002/0122391 A1) in view of Peon et al (US 7,133,665 B1), as applied to claim 1 above, and further in view of Bieselin (US 5,559,875).

With regards to claims 1, 8, 41 and 42 The Examiner states that they are rejected under 35 U.S.C. 103(a) as being unpatentable over Shalit (US 2002/0122391 A1) in view of Peon et al (US 7,133,665 B1) and further in view of Slaughter (US 5,598,536A). Applicant disagrees and traverses each independent claim and each and every claim depending therefrom as set forth in the arguments below.

The Examiner states that Shalit does not teach a unique identifier (although the Examiner states Shalit teaches all other aspects of the claims. Applicant disagrees as set forth in previous Responses and will not, therefore, repeat those arguments). However, as stated by the Examiner, Peon teaches a unique identifier stating “each telecommunications service requires a unique telephone number. Examples of telecommunications services that require a unique telephone number are automatic routing services, voicemail services, paging services, and conference call services.” While this statement may ring true as selected by the Examiner from Peon, the disclosure of Peon is not relevant to Applicant’s invention. Peon’s disclosure is entitled “TELEPHONE WITH DYNAMICALLY PROGRAMMABLE PUSH BUTTONS.” The disclosure is a mobile telephone with several features, one of which is a conferencing feature. Telephone conferencing features have been known in the art for quite some time. In this case, the disclosure states in the relevant portion that the above features requiring a different telephone number have drawbacks. Thus, the Examiner has taken a portion out of the BACKGROUND SECTION of the disclosure not related to the disclosure itself to state that several applications require telephone numbers, while this is true, again it is not relevant to applicant’s invention. Applicant’s invention does not merely require a telephone number, in fact, as amended, the claims state how the invention is much more flexible than this and can function in various methods should a certain unique identifier not be available. The Examiner has piecemealed prior art that has no resemblance to Applicant’s invention and continues to reject Applicant’s claims in light of very strong arguments on Applicant’s part and even absurd comparisons by the Examiner of Peon and Shalit to Applicant’s invention.

Ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole. See MPEP § 2111 - § 2116.01 for case law pertaining to claim interpretation. The Examiner is not looking at the claimed invention as a whole, but rather distilling the invention down to a gist or thrust of the invention and completely disregarding the “as a whole requirement.” See MPEP § 2111.

Further, the Examiner goes on to state that “Shalit and Peon do not teach a receiving, via a telecommunications device, at least one unique identifier distinctive to the conferee provided as at least one input to the data stores of the system, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services and wherein the at least one unique identifier can be cross-referenced with a plurality of unique identifiers distinctive to and associated with the conferee stored in the data stores of the system; configuring at least one component of the system related to supporting the at least one given conferencing service to connect the given conferee directly to the given conferencing service in response to recognition of at least one of the access information and the at least one unique identifier in the data stores of the system; and extracting the at least one identifier from determined by an output of the data stores based on the received input, wherein if the at least one identifier from the data stores matches the at least one access information from the data stores of the system, the conferee is able to enroll in the conferencing services.” This is the ENTIRE claim. The Examiner goes on to state that Slaughter however teaches this aspect of the invention in that each IP address requires a unique user ID string.

The Examiner states that this is the unique identifier, then the remote access server retrieves from the database the unique IP address associated with the user ID string. The remote access server then sends the retrieved unique IP address to the remote communication port and telephone lines. The remote access server then allows the computer to access the local computer an to communicate on the network. The explanation of how this could possibly work within the bounds of Applicant’s invention goes on for a full page. When, in fact the entire page is devoted to a remote computer connection to a company networking system through a modem. Not a

conferencing system. *The Examiner is reaching.* It has nothing to do with his invention, one only has to use *common sense* to see that there is no comparison to remote connecting to a company network *through a modem* with the intricate database system, searching, matching and direct connection method or apparatus in a teleconferencing setting of Applicant's invention. "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with *some rational underpinning* to support the legal conclusion of obviousness." (In re Kahn, 441 F. 3d 977, 988 (CA Fed. 2006) cited with approval in KSR).

Again, Applicant does not believe Shalit, Peon, or Slaughter teaches or discloses the elements in the previously submitted claims. However, purely in the interest of expediting the prosecution of the instant invention, Applicant has amended the independent claims to substantially include the following limitations:

receiving at least one request from the given conferee via a telecommunications device to enroll in conferencing services;

providing data stores of a system populated with at least one access information data unique to and necessary to admit the conferee to enroll in the conferencing services;

~~populating~~ receiving, via a telecommunications device, at least one unique identifier distinctive to the conferee provided as at least one input to the data stores of the system, wherein the at least one unique identifier is a physical or virtual location from which the given conference call host can initiate communications to access conferencing services and with at least one unique identifier distinctive to the conferee, wherein the at least one unique identifier can be cross-referenced with a plurality of unique identifiers distinctive to and associated with the conferee stored in the data stores of the system;

configuring at least one component of ~~[[a]]~~ the system related to supporting the at least one given conferencing service to connect the given conferee directly to the given conferencing service in response to recognition of at least one of the access information and the at least one unique identifier in the data stores of the system; and

extracting the at least one identifier from determined by an output of the data stores of the system based on the received input, wherein if the at least one identifier from the data stores of the system matches the at least one access information from the data stores of the system, the conferee is able to enroll in the conferencing services.

Support for such limitations can be found at least on page 5-7 of the instant invention.

Applicant has read the cited art and the cited art does not teach or suggest such limitations. As such, Applicant believes that independent claims, as well as the claims that depend from them, are in condition for allowance.

Respectfully submitted,
WEST CORPORATION

Date: January 29, 2009

By: /Raffi Gostanian/
Raffi Gostanian
Reg. No. 42,595
Tel: (972) 849-1310